

626,873 - A

ORA L. HART

NUMBER _____ SECTION _____

VERSUS

1ST JUDICIAL DISTRICT COURT

LOWE'S HOME CENTERS, LLC &
ABC INSURANCE COMPANY

CADDO PARISH
STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes plaintiff, ORA L. HART, a person of the full age of majority and domiciled in Parish of Caddo, State of Louisiana, respectfully represents:

1.

First named defendant is LOWE'S HOME CENTERS, LLC, f/k/a Lowe's Home Centers, Inc., a foreign limited liability company authorized to do and doing business as Lowe's Home Improvement at 7301 Youree Drive, Shreveport, Parish of Caddo, State of Louisiana.

2.

Second named defendant is ABC INSURANCE COMPANY, who, upon information and belief, may have a policy of liability insurance covering defendant LOWE'S HOME CENTERS, LLC and/or plaintiff ORA L. HART for the damages complained of herein. The exact provisions of said policy are currently unknown to the plaintiff and best known to defendants and are specifically pled herein as if copied *in extenso*.

3.

Venue is proper in First Judicial District Court as the wrongful acts and damages suffered all occurred in the city of Shreveport, Parish of Caddo, Louisiana.

4.

Defendants are jointly, severally, and *in solido* liable to plaintiff the damages complained of herein for the following reasons, to wit:

5.

On or about November 2, 2019, plaintiff, ORA L. HART was shopping at the Lowe's Home Improvement located 7301 Youree Drive, Shreveport, Parish of Caddo, Louisiana 71105.

Caddo Parish
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Molly Meleton
Deputy Clerk of Court

E-File Received Oct 30, 2020 3:06 PM

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EXHIBIT

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6.

That approximately in or around 3:00 p.m., while walking from one area to another area of the store, plaintiff **ORA L. HART** suffered a fall because defendant **LOWE'S HOME CENTERS, LLC** failed to keep the premises reasonably safe, failed to keep the aisles, passageways, and floors in a reasonably safe condition, and required customers with a cart full of lumber to obstruct the walkway while paying for items.

7.

The customer's cart and piece of lumber that protruded out was not visible, caused plaintiff **ORA L. HART** to fall, and resulted in a fracture to her right knee cap.

8.

That the sole and proximate cause of said fall was the negligence, inattention, and gross carelessness of the merchant defendant **LOWE'S HOME CENTERS, LLC**, in violation of Louisiana law, including, but not limited to, La. R.S. § 9:2800.6 in the following particulars:

- (A) Created and caused an invisible and hazardous condition to exist in the aisles, passages, and floors;
- (B) Allowed an unreasonable risk of harm to customers which was reasonably foreseeable to exist;
- (C) Created and had actual constructive notice of the unreasonably dangerous condition;
- (D) Failed to exercise reasonable care after having actual and constructive notice of the invisible hazardous condition in the situation where the allowance of carts presented an unreasonable risk of harm to other customers;
- (E) Failed to provide adequate assistance to other customers when navigating the walkways, passageways, and aisles; and
- (F) For any and all other acts of negligence and omissions as may be discovered and shown at the trial of this matter.

9.

As a result of this fall, plaintiff **ORA L. HART** suffered a knee injury and other injuries.

10.

At all times mentioned herein, **ABC INSURANCE COMPANY** provided a policy of liability insurance to defendant for the damages complained of herein by plaintiff.

11.

Plaintiff, **ORA L. HART**, alleges the following general and specific damages for which she is entitled to recover in an amount calculated to adequately compensate her for the injuries and damages she sustained:

- (A) Past, present and future medical expenses;
- (B) Past, present and future physical pain and suffering and loss of function;
- (C) Past, present and future mental pain and suffering, including, but not limited to, mental anguish and emotional distress, anxiety, embarrassment and humiliation – past, present and future;
- (D) Permanent disability;
- (E) Loss of enjoyment of life;
- (F) All of the damages which may be discovered hereafter and proven at trial.

12.

Plaintiff reserves the right to amend and supplement this Petition as additional evidence and facts are uncovered during the course of discovery and through trial.

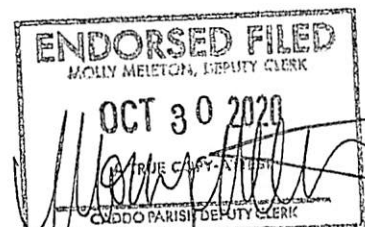
WHEREFORE, plaintiff, **ORA L. HART**, prays that defendants be cited and served with a copy of this Petition, to appear and answer same and, after all legal delays after due proceedings are held and trial on the merits is conducted, that there be judgment in favor of the plaintiff and against the defendants regarding the acts and failures to act alleged herein. Furthermore, plaintiffs pray for a judgment against all defendants finding them jointly, severally and in solido liable, for all damages, legal interest from date of judicial demand, attorneys fees, all costs and expenses, and all other relief allowed to them under law or equity pled herein, and at the conclusion of these proceedings that costs be paid by the defendants.

Respectfully submitted this 30th day of October 2020.

STEVEN N. NEWTON, LLC

/s/Steven N. Newton
STEVEN N. NEWTON
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PLEASE HOLD SERVICE FOR ALL DEFENDANTS:

LOWE'S HOME CENTERS, LLC

Through its registered agent for service of process

Corporation Service Company

501 Louisiana Avenue

Baton Rouge, LA 70802